

JUL 28 2008

Appl. No. 10/789,665

## BACKGROUND

Claims 1-9, 11, 20-21, 23-24, and 26-40 are pending in the present application. All claims of the present application were rejected in the Office Action mailed March 26, 2008. A telephone interview was conducted on July 9, 2008, between the Examiner, the undersigned. The following is a summary of the interview, as required by 37 CFR 1.133(b).

## INTERVIEW SUMMARY

A. Brief description of the nature of any exhibit shown or any demonstration conducted

N/A.

B. Identification of the claims discussed

Claim 34 was discussed. The remainder of the claims were discussed in general terms

C. Identification of specific prior art discussed

The Harrington reference (USP 6,535,880) was discussed.

D. Identification of the principal proposed amendments of a substantive nature discussed

The examiner suggested amending claim 34 to include the limitation "at the first network location, obtaining merchandising data related to a product, wherein said product is presented at a presentation device, wherein said presentation device is located at a second network location" in order to overcome the rejection of that claim under 35 USC 102. In addition, the undersigned proposed "receiving product data transmitted by the presentation device," and "wherein said presentation medium comprises device executable code that causes said presentation device to transmit said product data to said first network location contemporaneously with rendering of said presentation medium on said presentation device" as alternatives. It appeared that the Examiner was in agreement with these alternatives as well.

E. General thrust of the principal arguments of the applicant and the examiner

The undersigned argued first that the general nature of the subject invention and the disclosure by Harrington are fundamentally different. Whereas the present invention is concerned with acquiring product data when a user's is viewing a product (e.g., when the user visits a web page showing the product), Harrington is concerned with keeping track of transactions occurring over multiple different web vendors. In particular, when a user activates the 'purchase' button in Harrington, the "vendor modified website software 24 transmits a transaction notification (33 in FIG. 2) back to the database administration software 21" (Harrington, at col. 4, lines 35-50).

The undersigned further argued that this is borne out by the language of the claims, and in particular claim 34. It was explained that "product data" is obtained "from the presentation device," and in other words, the "product data" is "transmitted by the presentation device" to the

merchandizing product database to be stored. The undersigned also pointed out that the presentation device is distinct from the web-site server, which as claimed in claim 34, are located at different network locations.

Furthermore, the undersigned pointed out that Harrington did not teach "product data is embedded in a presentation medium transmitted to said presentation device from said third network location in response to a user action at said presentation device." (Claim 34, lines 5-7).

Finally, the undersigned argued that the proposed limitation to claim 34 – "wherein said presentation medium comprises device executable code that causes said presentation device to transmit said product data to said first network location contemporaneously with rendering of said presentation medium on said presentation device" – was not taught by Harrington.

F. General indication of any other pertinent matters discussed

No other matters were discussed.

G. General results or outcome of the interview

The Examiner agreed that the proposed amendment to claim 34 would overcome the cited prior art Harrington. The Examiner also requested that the undersign point out where the proposed amendment may be supported in the disclosure.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-969-8300.

Respectfully submitted,



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